



**United States Department of Justice**

United States Attorney's Office  
Eastern District of Michigan

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VIA ECF

July 10, 2024

Honorable Mark A. Goldsmith  
Theodore Levin U.S. Courthouse  
231 W. Lafayette Blvd., Room 853  
Detroit, MI 48226

Re: *United States v. Apollon Nimo*, 23-mc-51471

Dear Judge Goldsmith,

The United States has charged defendants Apollon Nimo and Farrah Bahoo with conspiracy to commit wire fraud under 18 U.S.C. § 1349. (Case No. 22-cr-20272). The indictment alleges the defendants conspired to fraudulently sell and use Fiat Chrysler Automobiles ("FCA") employee discount control numbers ("EPCNs") in sales for customers who were not eligible to receive them. (*Id.*, ECF No. 23). The case was originally assigned to the Honorable Bernard A. Friedman and was recently reassigned to this Court.

In September 2023, defendant Nimo served a Rule 17 subpoena to FCA US LLC ("FCA US"), requiring FCA US to provide materials purportedly related to the charge in the indictment. (*Id.*, ECF No. 57). Because defendant Nimo sought and obtained the Rule 17 subpoena via *ex parte* motion, the United States did not have an opportunity to provide its views on the relevance (or lack thereof) of the materials sought.

FCA US moved to partially quash defendant Nimo's Rule 17 subpoena. (ECF Nos. 4, 6). Specifically, FCA US moved to quash three of the 13 requests in the subpoena. (ECF No. 6, PageID.41; ECF No. 4-1, PageID.36 - 37). FCA US argues, among other things, that the three requests seek materials that are not relevant to the charge against defendant Nimo and would not be admissible at his criminal trial. (ECF Nos. 6, 12). The United States concurs.

The Court has scheduled a hearing on FCA US's motion to partially quash the Rule 17 subpoena for July 23, 2024. The United States submits that it is well positioned to address issues regarding relevancy and admissibility as to the charge in the indictment. Accordingly, the United States requests permission to be heard at the hearing on the motion to partially quash the subpoena, should the Court have questions or wish to hear from the United States.

Undersigned counsel for the United States reached out to counsel for FCA US and counsel for defendant Nimo. FCA US has no objection to the United States' request to be heard. Defendant Nimo opposes the United States' request to be heard.

Respectfully,

DAWN N. ISON  
United States Attorney

s/ Trevor M. Broad  
Trevor M. Broad  
Alyse Wu  
Assistant United States Attorneys

Certificate of Service

I certify that on July 10, 2024, I filed the foregoing document via the ECF system, which sends notice automatically to all counsel of record. I also certify that I provided a copy of the foregoing document to defense counsel for defendant Bahoo, Steven Scharg, by email.

s/ Trevor M. Broad  
Assistant United States Attorney